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DAVID R. HOMER
UNITED STATES MAGISTRATE JUDGE
ALBANY, NEW YORK**BOND, SCHOENECK & KING, PLLC**
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January 13, 2005

VIA FACSIMILEHon. David R. Homer
Magistrate Judge
United States District Court
Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway
Albany, NY 12207-2974Re: *Pimsner v. Nexen Tire Corporation, et al.*
Case No. 03-CV-1373

Dear Judge Homer:

We request your guidance with respect to the Uniform Pre-Trial Scheduling Order in effect in the above matter. It is our understanding that in the event a dispositive motion is made, for which the current deadline is February 23, 2005, the pre-trial submissions under Paragraph 11 would not be due until after the dispositive motions are decided. This would permit the parties to refine their pre-trial submission consistent with any decision rendered. It is currently our assumption that this is a correct interpretation of the order.

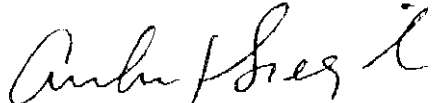
If the Uniform Pre-Trial Order is interpreted as requiring pre-trial submissions 30 days before February 16, 2005, even if dispositive motions are made, the depositions pursuant to your most recent order will have not been completed, much less transcribed. This would make it impossible to submit deposition excerpts, witness lists and exhibits, as required under the order.

Thank you for any clarification you can provide to us.

Hon. David R. Homer
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Respectfully submitted,

BOND, SCHOENECK & KING, PLLC



Arthur J. Siegel

AJS/smc
Enclosures

cc: Wilson, Elser, Moskowitz, Edelman & Dicker,
LLP (Attention: Michael H. Bai, Esq. via
facsimile 212-490-3038)
Simon & Luke LLP (Attention: John Ramsey,
Esq. via facsimile 713-335-4949)

The Uniform Pretrial Scheduling Order is
hereby amended to the limited extent
that pretrial submissions shall be filed
and served on or before May 1, 2005
unless otherwise ordered by the district court.

So ordered.

David R. Homer
U.S. M.J.
1/14/05